

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL HOLTSINGER, No. CIV S-03-0732-MCE-CMK-P

Plaintiff,

vs.

ORDER

KNIGHT,

Defendant.

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Plaintiff, a state prisoner proceeding with appointed counsel, brings this civil rights action pursuant to 42 U.S.C. § 1983.¹ The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On June 27, 2008, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. Timely objections to the findings and recommendations have been filed.

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¹ The Kings Hall Civil Rights Clinic was appointed to represent plaintiff in connection with entry of default judgment. (See Docs. 185 and 194).

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed June 27, 2008, are adopted in full;

2. Plaintiff's request for judicial notice (Doc. 236) is granted;

3. Defendant's motion to set aside entry of default (Docs. 223 and 224) is granted;

4. The default entered on March 20, 2007, is set aside; and

5. This case is referred back to the magistrate judge for further proceedings.

Dated: August 4, 2008


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE